

The timely submission under 37 CFR 1.129(a) filed on 9-27-10 is not fully responsive to the prior Office action because applicant has included Declarations from applicant's related applications in an Information Disclosure Statement with the intent of having those Declarations support an argument for Long Felt Need in regard to the claims in the present application. This intent was stated in the Remarks section of the last response. If applicant intends to argue long Felt Need for the present claims in the present application applicant needs to re submit new Declarations form each Declarant with the Serial Number of the present application on each Declaration. Additionally applicant then needs to provide a nexus between those Declarations and arguments and the present claims stating how the facts in the Declarations submitted coincide with each of the present claims to support a Long Felt Need for the present invention as now presently claimed. As a courtesy the Examiner is giving the Applicant one month to submit the new Declarations. Otherwise the present old Declarations listed in the IDS will be used just as back ground knowledge in the application. This one month request is in lieu of making the action final and requiring applicant to file an RCE. Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37

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CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

/Gloria Hale/

Primary Examiner, Art Unit 3765